

## ***DRAFT Minutes of the Child Protection Advisory Team***

Friday, June 21, 2013 // Lincoln Room // Supreme Court, Boise, Idaho

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Attendees were: *Judge Bryan Murray (Chair), Judge Barry Watson, Judge Lori Meulenberg, Judge Greg Kalbfleisch, Judge Greg Frates, Judge Brian Lee, Judge Karen Vehlow, Judge Cathleen MacGregor-Irby, Judge Carolyn Minder, Judge Roger Harris, Judge Mick Hodges, Judge Jason Walker, Judge Paul Laggis, Judge Ryan Boyer, Judge Ralph Savage, Patti Tobias, Kim Halbig-Sparks, Renae Bieri, Taunya Jones, Debra Alsaker-Burke, and Janice Beller.*

**1. Welcome and Introductions:** The Child Protection Advisory Team (CPAT) was called to order on Friday, June 21, 2013 at 10:00 a.m. by Judge Bryan Murray, Chair. Judge Murray welcomed the judges attending the inaugural meeting of the Child Protection Advisory Team. Each judge introduced him or herself and spoke about his or her experiences hearing child protection cases. Patti Tobias, who joined the meeting at noon, also welcomed the judges on the CPAT. She thanked them for taking time from their calendars to share their thoughts and experiences.

Patti noted: We do best on innovation in Idaho when we collaborate with key shareholders. Strong and effective relationships are important, but the real key to our successes and continued national recognition is when judge take a leadership role. I am hopeful that you will, through your leadership, set the strategies, priorities, and take us where we need to go.

### **2. Roles and Responsibilities**

Judge Murray reviewed the Mission Statement of the Idaho Courts and noted that the CPAT is a different entity than the Child Protection Committee (CP Committee), and is a committee of judges that will focus on court-related issues. The CPAT will address legal and court-administration issues, while system issues that deal with collaboration and issues involving multiple stakeholders (e.g.: IJR 40 Report) will go to the CP Committee. Some issues will be addressed in both the CP Committee and the CPAT. The relationship between the CP Committee and the CPAT will be forged over time. The seven judges on both the CP Committee and the CPAT will ensure a good line of communication between both groups

Judge Murray asked the CPAT members to identify concerns or issues that they would like the CPAT to address:

- Identify best practice nationally and around the state. Implement these best practices locally.
- Explore the benefit of standardized business practices in child protection cases.
- Develop judicial leadership as a catalyst for system change.
- Focus on strengthening a collaborative, team approach to handling child protection cases.

- Obtain party status for the Idaho Department of Health and Welfare. (IDHW) The CPAT should keep this issue on the table until it is resolved.
- Focus on legal requirements in the child protection system.
- Explore remedies that are or should be available to judges in child protection cases.
- Until the party status for IDHW is resolved, develop “workarounds” so that the system operates effectively and efficiently.
- Encourage and support stronger and more effective legal representation and education for attorneys.

The members of the CPAT discussed whether the member judges had the political will to provide judicial leadership to move the child protection system forward, including judicial leadership on the issue of party status for IDHW. After lengthy discussion, CPAT members reached consensus on providing judicial leadership in the following areas:

- Achieve better outcomes by focusing on court issues and structure.
- Further explore the role of the IDHW in the child protection process, and make a recommendation or recommendations on the issue of party status for IDHW.
- Explore ways to strengthen legal representation in child protection cases and provide better education for attorneys who practice in this area.
- Convene quarterly HUB meetings (1<sup>st</sup>/2<sup>nd</sup>, 3<sup>rd</sup>/4<sup>th</sup>, 5<sup>th</sup>/6<sup>th</sup>/7<sup>th</sup>) and local shareholder meetings to identify local successes and address local concerns.

### **3a. Child Protection in Idaho: Strengths and Areas of Concern**

Judge Murray facilitated a discussion of what is working and what is not working in the child protection systems around the state:

#### What is Working:

- Quarterly (at least) stakeholder meetings;
- Frequent review hearings (case moves prior to each review hearing);
- Frequent status hearings (without reports) from IDHW or GAL and a formal review hearing every six months;
- Judicial education;
- Bench cards are wonderful; and
- Setting a date for the next hearing at the current hearing or in some courts, setting hearing dates at the Shelter Care Hearing for all hearings through the First Permanency hearing.

#### Areas of Concern:

- IDHW not a party;
- Visitation issues – specifically IDHW not providing sufficient visitation when children are in out-of-home care. The frequency and quality of visitation is important because it is the number one predictor for successful reunification;
- Rural counties do not have sufficient services for families. IDHW presence has contracted in smaller rural counties and fewer child protection cases are being filed;
- Judges are unwilling to handle child protection cases because they are perceived to be complex. Need to demystify role of the judge in child protection cases;

- Rubber stamping IDHW efforts in child protection cases;
- Lack of high quality legal representation, which includes legal proficiency and knowledge, lack of commitment to child protection as a career or practice, and, lack of knowledge about and understanding of collateral issues;
- Lack of quality legal education for child protection attorneys;
- High turnover in all stakeholder agencies/organizations;
- Lack of availability of drug, alcohol, and mental health treatment;
- Reduction of IDHW presence/staff in rural areas; and,
- Lack of communication regarding system issues, e.g. IDHW decision to move to HUB structure, IDHW budget for substance abuse treatment.

CPAT members expressed a desire to explore ways to:

- Engage legislators in the importance of child protection work. One suggestion was to invite legislators to child protection hearings, another was to add a legislator to the Child Protection Committee;
- Engage the court at higher levels in the effort to strengthen legal representation in child protection cases.

Patti commented that strengthening legal representation is a great area for the CPAT to focus on. If this issue is a priority of the CPAT, we have opportunities to influence this issue. It will require a long-term plan and effort. We need to work with key groups and be smart in our efforts to impact this issue positively.

### **3b. Current Court Enhancement Efforts: Funding and the Draft Strategic Plan**

Debbie Alsaker-Burke reviewed with CPAT members the three federal Court Improvement Grants that fund child protection court enhancement efforts in Idaho. One grant is for basic court improvement activities, one for activities related to technology, and the third for training-related activities. Collectively, the total of the three grants is approximately \$330,000 per year. Court Improvement Grant funds are used to fund all or part of the salaries for three positions at the Administrative Office of the Court as well as operational expenses and travel costs.

CPAT members also reviewed the draft strategic plan approved by the CP Committee at its April meeting.

### **3c. Projects and Priorities**

CPAT members identified the following as priority projects for the CPAT:

- Exploring the role of IDHW in the child protection process and developing a recommendation or recommendations regarding the issue of party status for IDHW;
- Strengthening legal representation in child protection cases;
  - \*\* One specific suggestion was to work with county commissioners to encourage them to require, as part of their contracts with attorneys, a requirement that attorneys hired to represent parties in a child protection case have or be willing to obtain a child welfare specialist certification. Another suggestion was to work with the Interim Public Defender Committee tasked with exploring public defense issues in Idaho

- Reaffirming the need for regular and frequent visitation;
- Early universal screening for substance abuse and early entry into treatment;
- Reducing the number of moves to new foster homes for children in out-of-home care by supporting foster family recruitment and training;
- Rule 16 expansion cases: Specifically looking at restrictions on placements by juvenile judges that make it difficult to find foster homes; and,
- Research on placement preferences (I.C. 16-1629(11)). Is placement with extended family always in the best interest of the child?

**ACTION ITEM: Research behind placement preferences and best practice on placement. (DAB)**

#### **4a. Strengthening Legal Representation**

Child Welfare Specialty Certification and Training for Attorneys: Daniel Trujillo and Gerry Glynn from the National Association of Counsel for Children (NACC) joined the meeting by conference call. Mr. Glynn is the Vice Chair of the Board of Directors and the Senior Trainer for the NACC. Mr. Trujillo is responsible for the certification process for the NACC. Mr. Trujillo explained Idaho's new child welfare specialist certification and the process for applying for the certification. Mr. Glynn spoke about the training for Idaho child protection attorneys scheduled for September 24<sup>th</sup> at the Idaho Supreme Court. Mr. Glynn will be the presenter.

Mr. Glynn and Mr. Trujillo outlined ways in which the NACC can assist Idaho in moving forward on strengthening legal representation in Idaho child protection cases. For example, the NACC has assessed the current status of legal representation in a number of states, and they would be willing to provide technical assistance to conduct a similar assessment in Idaho. Mr. Trujillo and Mr. Glynn noted that Nebraska, Arkansas, and California are currently working on strengthening legal representation in child protection cases and would be good resources for Idaho.

**ACTION ITEM: Research what other states are doing or have done to strengthen legal representation in child protection cases. (DAB)**

#### **4b. Data-Informed Case Management and Decision-Making**

##### *1. Timeliness of Hearings and Case Pending Reports*

Rena Bieri and Taunya Jones reviewed the current child protection reports provided to judges (Timeliness of Hearings (4ka) and Case Pending) and asked judges for feedback on these reports. Rena and Taunya noted that it is important to identify any current defects or enhancement needs regarding these reports and address them before the reports are migrated to the new case management system.

*Members of the CPAT offered the following feedback on the 4ka Report:*

- ISTARS may not accurately collect data for the current Timeliness of Hearings Report (4ka).

**ACTION ITEM: Review ISTARS tracker sheets and meet with Judges Irby and Minder to identify issues, if any, with the Timeliness of Hearing Report that have not previously been fixed or otherwise addressed. (Taunya Jones, Julie Cottrell and DAB)**

- It would be helpful if the Timeliness of Hearings Report (4ka) used the same name for hearings that is used by the Child Protective Act.
- Some members were not interested in receiving data on the timeliness of the pretrial conference.
- Include on the report a definition of what is being measured and how it is being measured.
- Waiver of time for the Shelter Care Hearing still presents a problem on the Timeliness Report (4ka).
- Color coding areas of concern is helpful if data is aggregate data.
- Gender of the child is not useful information, but age of the child is.
- ICWA information is useful.
- Recommendation to add a new report – or add to a current report – to identify which cases are protective supervision cases and which cases involve one or more unknown parents.

*Members of the CPAT offered the following feedback on the Case Pending Report:*

- Identify all cases as either pre- or post-TPR.
- Identify the permanency goal in the case.
- Identify cases in which one or more parents have not been served.
- Identify cases in which one or more parents did not receive notice of the child protective act hearing.
- Highlight areas of concern.

Members also noted it would be useful to have a report that identifies all cases that involve one or more children who are age 15 or older.

## 2. *Data Dashboards for CPAT*

Renae Bieri presented several types of data dashboards. She asked judges for feedback on what information they would like to have reported regularly to the CPAT and which data dashboard format was most useful. Members of the CPAT offered the following feedback:

- Dashboards need to provide clear definition of each measurement and a clear explanation of how each item is measured. Need a data dictionary.
- Prefer % of cases rather than # of cases.

**ACTION ITEM: Explore whether status hearings (informal review hearings) should be tracked in ISTARS and if they should, how data can be entered into ISTARS. (Taunya Jones and Renae Bieri)**

**3c. Judicial Leadership: Catalyzing Improved Outcomes for Children and Families**

Judge Murray spoke about the new HUB structure IDHW has adopted. The North HUB is comprised of Judicial Districts 1 and 2; The West HUB is comprised of Judicial Districts 3 and 4; and The East HUB includes Judicial Districts 5, 6, and 7.

One of the most important leadership functions judges can perform is to convene local shareholders to share information, identify effective practices, areas of concern, and craft solutions to local issues. Judge Murray requested volunteers to convene quarterly meetings in each of the three HUBs. Judge Meulenberg volunteered to coordinate a meeting in the North HUB, Judge Minder agreed to continue her coordination of quarterly meetings for the West HUB, and Judge Murray volunteered to convene quarterly meetings for the East HUB.

**ACTION ITEM: Provide recommendations regarding quarterly HUB meetings, including who should be invited. (Judge Minder)**

**3d. Resource Development**

The Administrative Office of the Courts is in the process of revising the Judicial Bench Cards for child protection cases to reflect recent amendments to the Child Protective Act, Termination of Parent-Child Relationship statute, and several Idaho Juvenile Rules. Judge Murray requested volunteers to review draft versions of the new bench cards. The following judges volunteered:

Advisement of Rights	Judge Minder
Shelter Care Hearing	Judge Watson
Adjudicatory Hearing	Judge Laggis
Case Plan Hearing	Judge Boyer
Review Hearing	Judge Vehlow
Permanency Hearing (AC)	Judge Hodges
Permanency Hearing (No AC)	Judge Savage
Determining Agg. Circumstances	Judge Hodges
TPR	Judge Lee
Redisposition Hearing	Judge Harris

**The Next Meeting** is set for **Wednesday, October 9, 2013.**

*Judge Murray thanked all CPAT members for attending and for providing leadership and sharing their expertise at the meeting. The meeting we adjourned at 4:00 p.m.*